

## REMARKS

Applicants have studied the Office Action dated February 20, 2008. Claims 13-15, 17-26, 29-31, 34-36, and 39-41 are pending. Claims 13, 17-22, 24, 26, 29-31, 34, 36, and 39-41 have been amended and claims 1-4, 6, 16, 27, 32, 37, 42, and 44 have been canceled without prejudice. No new matter has been added as the amendments have support in the specification as originally filed.

It is submitted that the application, as amended, is in condition for allowance. Reconsideration is respectfully requested.

### Claim for Foreign Priority under 35 U.S.C. § 119

In the Office Action dated August 29, 2007, the Examiner acknowledged Applicant's claim for foreign priority under 35 U.S.C. § 119. However, the Examiner indicated that none of certified copies of the priority documents had been received.

It is respectfully submitted that certified copies of the priority documents, 10-2002-57499, filed on September 23, 2002 and 10-2002-68922, filed on November 7, 2002, were forwarded to the USPTO on May 11, 2003 and received by the USPTO on May 11, 2003 as confirmed from the PAIR system. Further, it is noted that the PAIR system lists an Artifact Sheet indicating that the foreign priority documents, which are bound, were received but not scanned.

Accordingly, it is respectfully requested that the Examiner acknowledge receipt of "all" of the certified copies of the foreign priority documents under Priority under 35 U.S.C. § 119.

### Amendments to the Drawings

Figures 1-6 have been amended to replace the hand-written characters presented in the amended drawings filed on November 26, 2007 with the typed characters. Accordingly, no new matter has been added.

### Amendments to the Claims

Claims 13, 22, 24, 26, 29-31, 34, 36, and 39-41 have been amended to more clearly disclose the invention. It is respectfully submitted that the amendments have support in the application as originally filed. For example, support for amendments to independent claims 22, 29, 34, and 39 can be found in the paragraph linking pages 43 and 44 in the specification as originally filed. Claims 17-21 have been amended to correct dependency in view of canceled claims and it is respectfully submitted that the amendments are not related to patentability.

Rejection under 35 U.S.C. § 102

Claims 22-27 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,177,658 to Willenegger et al. (hereinafter "Willenegger"). This rejection is respectfully traversed.

With this paper, claim 27 has been canceled. Accordingly, the rejection with respect to claim 27 is now moot.

With regard to the rejection of independent claim 22, it is respectfully noted that the Examiner asserts, at paragraph 2 of the Office action, that Willenegger discloses the features recited in claim 22. Although Applicant respectfully disagrees with the Examiner with respect to the asserted disclosure of Willenegger, in order to further distinguish the present invention from the cited reference and expedite the prosecution of the present application, claim 22 has been amended to recite second point-to-multipoint service data is also transmitted on the second shared physical data. It is noted that the features recited in amended independent claim 22 include the features previously recited in claim 27 which has been canceled without prejudice.

It is noted that Willenegger discloses providing a general MBMS service data in a wireless communication system. However, it is noted that there is no disclosure in Willenegger indicating that service data other than the general MBMS service data is transmitted or received using the second shared physical channel which is also used to transmit or receive information associated with the first point-to-multipoint service data transmitted on the first shared physical channel.

It is further noted that with regard to the rejection of claim 27, the Examiner asserts, at page 3 of the Office action, that Willenegger discloses that data is transmitted on the second shared physical channel, citing Box 340 multiple physical channels in Figure 3. It is noted that Figure 3 of Willenegger discloses that if more than one physical channel is used, then the bits are segmented among the physical channels (block 336) and the bits in each frame for each physical channel are then further interleaved to provide additional time diversity (block 338), as described at column 5 lines 40-45. Figure 3 of Willenegger further discloses that "[t]he interleaved bits are then mapped to the data portions of their respective physical channels (block 340)" as described at column 5, lines 45-46. However, it is respectfully submitted Willenegger fails to disclose or suggest that second point-to-multipoint service data is also transmitted on the second shared physical data, as recited in amended independent claim 22.

Accordingly, it is respectfully asserted that independent claim 22 is allowable over the cited reference. It is further respectfully asserted that claims 23-26, which depend from

independent claim 22, also are allowable at least by virtue of their dependency from the allowable base claim.

Claims 29-32 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,177,658 to Willenegger et al. (hereinafter "Willenegger"). This rejection is respectfully traversed.

With this paper, claim 32 has been canceled. Accordingly, the rejection with respect to claim 32 is now moot.

With regard to the rejection of independent claim 29 and its dependent claim 32, it is respectfully noted that the Examiner asserts, at page 5 of the Office action, that Willenegger discloses receiving data on the second shared physical channel as recited in claim 32, which has been canceled without prejudice, because Willenegger discloses "control information is received over the other shared channel by the devices" at column 7 lines 48-58 and column 10 lines 1-24. It is further respectfully noted that the Examiner asserts that Willenegger discloses processing the data received on the second shared physical channel in the abstract because "control information received contains data that is processed by the devices."

However, it is respectfully submitted that the asserted "control information" disclosed in Willenegger is not the same as the second point-to-multipoint service data recited in independent claim 29. Further, similar to the above discussion in connection with the rejection of independent claim 22, it is respectfully submitted that Willenegger fails to disclose or suggest receiving second point-to-multipoint service data on the second shared physical channel and processing the point-to-multipoint service data received on the second shared physical channel, as recited in amended independent claim 29.

Accordingly, it is respectfully asserted that independent claim 29 is allowable over the cited reference. It is further respectfully asserted that claims 30 and 31, which depend from independent claim 29, also are allowable at least by virtue of their dependency from the allowable base claim.

#### Rejection under 35 U.S.C. § 103

Claims 1-4, 6, 13-16, and 44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Willenegger in view of U.S. Patent No. 6,701,155 to Sarkkinen et al. (hereinafter "Sarkkinen"). This rejection is respectfully traversed.

With this paper, claims 1-4, 6, 16, and 44 have been canceled. Accordingly, the rejection with respect to claims 1-4, 6, 16, and 44 is now moot.

It is respectfully noted that claims 13-15 were allowed in the previous Office action dated August 29, 2007. However, it is respectfully noted that the Examiner asserts, at page 8 of the present Office action, that Willenegger discloses establishing at least a first transmission state, a second transmission state, and a third transmission state for transmitting data to a plurality of terminals, citing column 1 lines 8-11 and lines 23-31 which allegedly disclose that "services are broadcast, point to point, point to multipoint and multicast on the multiple channels that are mapped on the physical channels." Applicant respectfully disagrees with the Examiner.

It is respectfully submitted that the cited portions of Willenegger merely disclose a "point-to-point transmission state" and a "point-to-multipoint transmission state." In contrast, three different transmission states are recited in independent claim 13 and each of the three transmission states are defined in claim 13. Specifically, independent claim 13 recites that the first transmission state transmits data and control information to a plurality of terminals in a point-to-multipoint manner at a common channel, the second transmission state transmits data and control information to a plurality of terminals in a point-to-multipoint manner at separate common data and common control channels, and the third transmission state transmits data and control information to a plurality of terminals in a point-to-point manner.

However, contrary to the Examiner's assertion, it is respectfully submitted that these three different transmission states recited in independent claim 13, are not disclosed or suggested in Willenegger. Therefore, it is further respectfully submitted that Willenegger, which merely discloses the point-to-point transmission state and point-to-multipoint transmission state, fails to disclose or suggest the above discussed features recited in independent claim 13.

Further, independent claim 13 has been amended to recite the at least one state transition condition comprises at least one of transmission power required for transmitting the data, the number of terminals, or a number of codes required. Since these features were previously recited in claim 16 which has been canceled without prejudice, the rejection of claim 16 is discussed below.

With regard to the rejection of claim 16, it is respectfully noted that the Examiner asserts, at pages 8 of the Office action, that although Willenegger does not disclose selecting one of the transmission states for transmitting data based on at least one state transition condition, Sarkkinen teaches the features missing in Willenegger, citing column 6 lines 2-12. It is further respectfully noted that the Examiner asserts, at pages 9-10 of the Office action, that although Willenegger does not disclose the at least one state transition condition comprises at least one of transmission power required for transmitting the data, the number of terminal, and a number of codes required, Sarkkinen teaches the features missing in Willenegger, citing column 6 lines

2-12 because the SGSN will determine the state based on the number of users sent in the status message. However, it is respectfully submitted that the cited portion of Sarkkinen merely discloses that the "SGSN may determine whether the multicast service may be more efficiently sent by a point-to-point connection or by a point-to-multipoint connection." Therefore, it is further respectfully submitted that Sarkkinen merely discloses a method of determining the transmission state out of two different states, point-to-point connection and point-to-multipoint connection, rather than out of three distinguished transmission states, as recited in independent claim 13.

Accordingly, in addition to the above discussed features lacking in Willenegger, it is respectfully submitted that Sarkkinen fails to cure the deficiencies of Willenegger with respect to the three transmission states which are specifically recited in independent claim 13. It is further respectfully submitted that contrary to the Examiner's assertion, Sarkkinen fails to disclose or suggest selecting one of transmission states for transmitting data based on at least one state transition condition and the at least one state transition condition comprises at least one of transmission power required for transmitting the data, the number of terminals or a number of codes required, as recited in amended independent claim 13. Therefore, it is respectfully submitted that Sarkkinen fails to cure the deficiencies of Willenegger with respect to the above discussed features recited in amended independent claim 13.

Accordingly, it is respectfully asserted that independent claim 13 is allowable over the cited combination of references. It is further respectfully asserted that the claims 14 and 15, which depend from claim 13, also are allowable at least by virtue of their dependence from the allowable base claim.

Claims 34-37 and 39-42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,944,475 to Campbell (hereinafter "Campbell") in view of Willenegger. This rejection is respectfully traversed.

With this paper, claims 37 and 42 have been canceled. Accordingly, the rejection with respect to claims 37 and 42 is now moot.

It is noted that independent claim 34 was amended in the previous amendment filed on November 26, 2007 by incorporating the features of dependent claim 38 which was indicated by the Examiner, in the Office action dated August 29, 2007, to recite allowable subject matter and canceled without prejudice. However, it is respectfully noted that the Examiner asserts, at paragraph 7 of the present Office action, that although Campbell does not teach "the information received on the second shared physical channel includes at least one of reception indicator

information, channel code information, pilot bits, service data, and information regarding the number and size of data transmitted on the first shared physical channel," Willenegger teaches the same, citing column 7 lines 20-67 and column 9 lines 39-47. Applicant respectfully disagrees with the Examiner.

Nevertheless, independent claim 34 has been amended to recite features similar to amended independent claim 22, and amended claim 34 recites the second transmission module transmits a second point-to-multipoint service data on the second shared physical channel. In view of amended independent claim 22 which is believed to be in allowable condition, it is respectfully submitted that amended independent claim 34, which recites the features similarly recited in independent claim 22, is also allowable over Willenegger. Moreover, it is respectfully submitted that Campbell fails to cure the deficiencies of Willenegger with respect to the above-identified features recited in amended independent claim 34.

With regard to the rejection of independent claim 39, it is respectfully noted that the Examiner asserts, at paragraph 7 of the Office Action, that claim 39 was rejected for the same reasons as in the rejection of independent claim 34. It is also noted that independent claim 39 has been amended to recite the features similarly recited in amended independent claim 29. In view of amended independent claim 29 which is believed to be in allowable condition, it is respectfully submitted that amended independent claim 39, which recites the features similarly recited in independent claim 29, is also allowable over Willenegger. Moreover, it is respectfully submitted that Campbell fails to cure the deficiencies of Willenegger with respect to the features, the second receiving module receives second point-to-multipoint service data on the second shared physical channel and the processing module processes the second point-to-multipoint service data received on the second shared physical channel, as recited in amended independent claim 39.

Accordingly, it is respectfully asserted that amended independent claims 34 and 39 are allowable over the cited combination of references. It is further respectfully asserted that claims 35 and 36, which depend from claim 34, and claims 40 and 41, which depend from claim 39, also are allowable at least by virtue of their dependence from their respective allowable base claims.

#### Allowable Subject Matter

Applicant graciously acknowledges the Examiner's indication of allowable subject matter in claims 17-21. Since it is believed that independent claim 13 is allowable over the cited

references and claims 17-21, which depend from claim 13, also are allowable, those claims have not been rewritten in independent form as suggested by the Examiner.

### CONCLUSION

In light of the above remarks, Applicants submit that the present Amendment places all claims of the present application in condition for allowance. Reconsideration of the application, as amended, is requested.

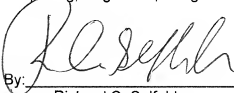
No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

Lee, Hong, Degerman, Kang & Schmadeka

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By: 

Richard C. Salfelder  
Registration No. 51,127  
Attorney for Applicant

Customer No. 035884